

UNION DEPARTMENT OF PUBLIC SAFETY

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SUBJECT: Body Worn Cameras

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AMENDS/SUPERSEDES:

I. PURPOSE

This policy is intended to provide officers with instructions on when and how to use body-worn cameras (BWCs) so that officers may reliably record their contacts with the public in accordance with the law.

II. POLICY

It is the policy of this department that officers shall activate the BWC when such use is appropriate to the proper performance of his or her official duties, where the recordings are consistent with this policy and state law. This policy does not govern the use of surreptitious recording devices used in undercover operations.

III. PROCEDURES

A. Administration

This agency has adopted the use of the BWC to accomplish several objectives. The primary objectives are as follows:

1. BWCs allow for accurate documentation of police-public contacts, arrests and critical incidents. They also serve to enhance the accuracy of officer reports and testimony in court.
2. Audio and video recordings also enhance this agency's ability to review probable causes for arrest, officer and suspect interaction, and evidence for investigative and prosecutorial purposes and to provide additional information for officer evaluation and training.
3. The BWC may also be useful in documenting crime and accident scenes or other events that include the confiscation and documentation of evidence or contraband.

B. When and How to Use the BWC:

1. Officers assigned to patrol duties shall activate the BWC to record during all calls for service or during the execution of the lawful duties of a law enforcement officer. The BWC shall be activated prior to arrival on scene. All officers arriving on a scene shall activate the BWC while on scene. NOTE: The use of the BWC does not replace the use of the in car video system. Both systems shall be used simultaneously.
2. If an officer fails to activate the BWC, fails to record the entire call for service, or interrupts the recording, the officer shall document why a recording was not made, was interrupted, or was terminated.

C. Procedures for BWC Use

1. Officers who are assigned BWC equipment must use the equipment unless otherwise authorized by supervisory personnel.
2. Personnel shall use only BWCs issued by this department. The BWC equipment and all data, images, video, and metadata captured, recorded, or otherwise produced by the equipment is the sole property of the agency.
3. Personnel who are assigned BWCs must complete an agency approved and/or provided training program to ensure proper use and operation. Additional training may be required at periodic intervals to ensure the continued effective use and operation of the equipment, proper calibration and performance and to incorporate changes, updates, or other revisions in policy and equipment.
4. BWC equipment is the responsibility of individual officers and will be used with reasonable care to ensure proper functioning. Equipment malfunctions shall be brought to the attention of the assigned officer's supervisor as soon as possible so that a replacement unit may be procured.
5. Officers shall inspect the BWC prior to each shift in order to verify the unit is properly functioning and assure the unit is completely charged.
6. Officers shall not edit, alter, erase, duplicate, copy, share or otherwise distribute in any manner BWC recordings without prior written authorization and approval of the Chief or his designee.
7. Officers are encouraged to inform their supervisors of any recordings that may be of value for training purposes.

8. If an officer is suspected of wrongdoing or involved in an officer-involved shooting or other serious use of force, the department reserves the right to limit or restrict an officer from viewing the video file.

9. Officers shall note in incident, arrest and related reports when recordings were made during the incident in question. However, BWC recordings are not a replacement for written reports.

10. Process to obtain consent of victims and witnesses before using BWCs during an interview.

a. There is no obligation to obtain consent from victims or witnesses prior to using a BWC during an interview. However, if asked about its use, a LEO will be forthcoming about its use. At that time, the LEO will have discretion on whether to keep the BWC on or turn it off. If the LEO discontinues the recording, the LEO must document the reason for discontinuation either on the BWC or in a written report.

D. Restrictions on Using the BWC

BWCs shall be used only in conjunction with official law enforcement duties. The BWC shall not generally be used to record:

1. Communications with other agency personnel without the permission of the Chief;
2. Encounters with undercover officers or confidential informants;
3. When on break or otherwise engaged in personal activities; or
4. In any location where individuals have an expectation of privacy, such as a restroom or locker room.

E. Storage

1. All files shall be securely downloaded periodically and no later than the end of each shift. Each file shall contain information related to the date, BWC identifier, and assigned officer.
2. All images and sounds recorded by the BWC are exclusive property of this department. Accessing, copying, or releasing files for non-law enforcement purposes is strictly prohibited.

3. All access to BWC data (images, sounds, and metadata) must be specifically authorized by the Chief or his or her designee, and all access is to be audited to ensure that only authorized users are accessing the data for legitimate and authorized purposes. Files should be securely stored in accordance with Evidence Retention Requirements as outlined in Section 17-28-320 of the S.C. Code of Laws and no longer than useful purposes of training or for use in an investigation or prosecution.

4. Data recorded by a body-worn camera is not a public record subject to disclosure under the Freedom of Information Act.:

- I The State Law Enforcement Division, the Attorney General, and a circuit solicitor may request and must receive data recorded by a body-worn camera for any legitimate criminal justice purpose;
- ii A law enforcement agency, the State Law Enforcement Division, the Attorney General, or a circuit solicitor may release data recorded by a body-worn camera in its discretion;
- iii. A law enforcement agency may request and must receive data recorded by a body-worn camera if the recording is relevant to an internal investigation regarding misconduct or disciplinary action of a law enforcement officer;
- iv. In addition to the persons who may request and must receive data recorded by a body-worn camera provided in item (2), the following are also entitled to request and receive such data pursuant to the South Carolina Rules of Criminal Procedure, the South Carolina Rules of Civil Procedure, or a court order:
 - 1. a person who is the subject of the recording;
 - 2. a criminal defendant if the recording is relevant to a pending criminal action;
 - 3. a civil litigant if the recording is relevant to a pending civil action;
 - 4. a person whose property has been seized or damaged in relation to, or is otherwise involved with, a crime to which the recording is related;
 - 5. a parent or legal guardian of a minor or incapacitated person described in sub item (1) or (2); and
 - 6. An attorney for the person described in sub items (1) through (5).

F. Supervisor Responsibilities

1. Supervisory personnel shall ensure that officers equipped with BWC devices utilize them in accordance with policy and procedures defined herein.
2. At least on a monthly basis, supervisors will randomly review BWC recordings to ensure that the equipment is operating properly and that officers are using the devices appropriately and in accordance with policy and to identify any areas in which additional training or guidance is required.

Chief S. W. White

Date